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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,647	08/07/2001	Hiroyuki Takahashi	03500.015654.	9232

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/922,647

**Applicant(s)**

TAKAHASHI, HIROYUKI

**Examiner**

Michael Burleson

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 8-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 06/06/2007 have been fully considered but they are not persuasive.
2. Applicant states that the reference of Zuber fails to teach that the two modes differ at all as to any parameter used to govern color processing (Applicant's remarks pages 9-10). Examiner disagrees with Applicant. Zuber teaches that the software RIP provides a cantone dot generator (color processing parameter), which is selected by the user and pasteurizes data per pixel and per color (column 18, lines 30-42). It is optional, at the discretion of the user, to use this color processing parameter during a RIP process. Applicant states that the two modes of Zuber do not differ in color processing or in dot linearization (Applicant remark's page 11). Examiner disagrees with Applicant. Zuber teaches that screening techniques, halftone screening and cantone dot generator can be selected by the user (column 18, lines 30-42), which means that these options may or maybe not be used during any mode of processing, which allows the user process an image differently depending on the mode or processing. Applicant states that there is nothing in Zuber that would suggest that it would be desirable to provide an apparatus operable in two separate modes, on using pre-defined color-processing definitions for each respective engine and the other using an optional definition. Examiner disagrees with Applicant. Zuber teaches that based on the characteristics of the page (color or black and white) the availability of an engine

with similar characteristics is chosen (column 17, lines 17-33). This teaches of using a color-processing definition for each respective engine and using an optional definition.

3. Claims 1-4, 6 and 7 are rejected.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and .was published under Article 21 (2) of such treaty in the English language.

5. Claims 1, 3, 4 rejected under 35 U.S.C. 102(e) as being anticipated by Zuber (US 6,035,103).

6. Regarding claims 1: Zuber teaches an image processing method for processing an input job (column 5, lines 10-25) in parallel by a plurality of color image output apparatus (print engine, column 18, lines 15-18), comprising: a developing step of developing input image data into bit map image data (passed ripped pages to the engine at the same time inherently requires all the images that is to be sent to the print

engines developed, column 18, lines 5-30), wherein said developing step includes first and second modes (preferred mode and write through mode, column 18, lines 5-30), wherein, in the first mode the input image data is developed a number of times equal to the number of color image output apparatus (passed ripped pages to the engine at the same time inherently requires all the images that is to be sent to the print engines developed), using a color processing condition (column 30, lines 1-10) corresponding to each of the plurality of color image output apparatus, and wherein, in the second mode, the input image data is developed once using an optional color processing condition and condition (column 35, lines 50-55, column 36, lines 47-53), and a result obtained in said developing step is output to the plurality of color image output apparatus (column 18, lines 5-30).

7. Regarding claim 3: Zuber teaches wherein the optional color processing condition is a color processing condition corresponding to a combination of the plurality of color image output apparatus (column 35, lines 30-35).

8. Regarding claim 4: Zuber teaches wherein the optional color processing condition is average values of color processing conditions corresponding to the plurality of color image output apparatus (column 35, lines 30-35).

**Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zuber (US 6,035,103).

11. Regarding claim 2: Zuber teaches, wherein the optional color processing condition is a color processing condition corresponding to one of the plurality of color image output apparatus (column 20, lines 60-65, teaches to use two printers as the plurality of printers and teaches to exclude color processing condition of one of the print engine in calculating the average color processing condition, column 36, lines 1-15). In such a case, it would have been obvious that the average color processing condition corresponding to one of the two color processing condition).

12. Regarding claim 6: Zuber teaches an image processing apparatus (e.g., fig. 1) for processing an input job (column 5, lines 10-25) in parallel by a plurality of color

image output apparatus (print engine, column 18, lines 15-18), comprising: means for developing input image data into bit map image data (RIP, column 18; lines 7-20); and selecting means (note) for selecting either a first mode or a second mode in said means for developing, wherein, in the first mode (write through mode, column 18, lines 15-30), the input image data is developed a number of times equal to the number of color image output apparatus, (passed ripped pages to the engine at the same time inherently requires all the images that is to be sent to the print engines developed, column 18, lines 5-30), by using a color processing condition (column 30, lines 1-10) corresponding to each of the plurality of color image output apparatus, and wherein, in the second mode (preferred mode, column 18, lines 10-15), the input image data is developed by once using an optional color processing condition (column 35, lines 50;55, column 36, lines 47-53), and in both modes a result obtained by said means for developing is output to the plurality of color image output apparatus (column 18, lines 5-30).

Note: Although Zuber does not specifically disclosed a selection means, it would have been obvious to a person with ordinary skill in the art to know that the system must have a selection means (or at least provide a selection mean) such that the system is using either the prefer mode or the write through mode. The system is impossible to operate in both the prefer mode or the write through mode.

Regarding claim 7: Zuber teaches that his invention of claim 6 is implemented in a processor running programs (column 16, line 36, column 5, lines 22-25); inherently, all

programs runs by a processor are stored in a computer readable medium.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Burleson whose telephone number is 571-272-7460. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on 571-272-7406.



Application/Control Number:  
09/922,647  
Art Unit: 2625

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Michael Burleson  
Patent Examiner  
Art Unit 2626

MB

MIb  
December 7, 2007

KAWilliams

KIMBERLY WILLIAMS  
PRIMARY PATENT EXAMINER